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6 Attorney for Defendant,
Miki Victoria Sudo
7

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

* * *

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 MIKI VICTORIA SUDO,
15 Defendant.

2:11-cr-00185-KJD-CWH
AMENDED
STIPULATION TO CONTINUE
MOTION AND TRIAL DATES
(Second Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
18 United States Attorney, and J. Gregory Damm, Assistant United States Attorney, counsel for the
19 United States of America, and Rene L. Valladares, Federal Public Defender, and Rebecca A.
20 Rosenstein, Assistant Federal Public Defender, counsel for MIKI VICTORIA SUDO, that the
21 calendar call currently scheduled for November 8, 2011 at 9:00 a.m., and the trial currently
22 scheduled for November 14, 2011 at 9:00 a.m., be vacated and set to a date and time convenient for
this Court; however, no event earlier than sixty (60) days.

23
24 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that
25 the parties herein shall have to and including November 18, 2011, to file any and all pretrial motions
and notices of defense.

26
27 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that
28 the parties herein shall have to and including December 1, 2011 to file any and all responses to such
motions.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that
2 the parties herein shall have to and including December 8, 2011 to file any and all replies to the
3 responsive briefs.

4 This Stipulation is entered into for the following reasons:

5 1. Counsel for the defendant needs additional time to conduct investigation in
6 this case in order to determine whether there are any pretrial issues that must be litigated and whether
7 the case will ultimately go to trial or will be resolved through negotiations. Additionally, counsel
8 for Defendant Sudo, is scheduled to be in trial in the matter of *U.S. v. Victor Bustos*, 2:08-cr-349-
9 *KJD*, the week of the current set date. It is anticipated that this would hinder the ability of Ms.
10 Sudo's counsel to thoroughly prepare for trial by the date now scheduled

11 2. The defendant is not incarcerated and does not object to the continuance.

12 3. The parties agree to the continuance.

13 4. The additional time requested herein is not sought for purposes of delay, but
14 merely to allow counsel for the defendant sufficient time to effectively and thoroughly research,
15 prepare and file appropriate pretrial motions, and prepare for trial.

16 5. The additional time requested by this Stipulation is excludable in computing
17 the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
18 United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A),
19 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(I) and
20 3161(h)(7)(B)(iv).

21 This is the second request for a continuance filed herein.

22 DATED: October 25, 2011.

23 RENE L. VALLADARES
24 Acting Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

25 /s/ Rebecca A. Rosenstein
26 By: REBECCA A. ROSENSTEIN,
27 Assistant Federal Public Defender
28 Counsel for Miki Victoria Sudo

/s/ Gregory Damm
By: J. GREGORY DAMM,
Assistant United States Attorney
Counsel for Plaintiff

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 UNITED STATES OF AMERICA,

2:11-cr-00185-KJD-PAL

5 Plaintiff,

6 **FINDINGS OF FACT, CONCLUSIONS**
7 **OF LAW AND ORDER**

8 vs.

9 MIKI VICTORIA SUDO,

10 Defendant.

11 **FINDINGS OF FACTS**

12 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
13 Court finds that:

14 1. Counsel for the defendant needs additional time to conduct investigation in
15 this case in order to determine whether there are any pretrial issues that must be litigated and whether
16 the case will ultimately go to trial or will be resolved through negotiations. Additionally, counsel
17 for Defendant Sudo, is scheduled to be in trial in the matter of *U.S. v. Victor Bustos*, 2:08-cr-349-
18 *KJD*, the week of the current set date. It is anticipated that this would hinder the ability of Ms.
19 Sudo's counsel to thoroughly prepare for trial by the date now scheduled

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25 5. The additional time requested by this Stipulation is excludable in computing
26 the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
27 United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A),
28 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(I) and
3161(h)(7)(B)(iv).

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of
3 the public and the defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, title 18,
8 United States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, Section
9 3161 (h)(7)(A), when the considering the facts under Title 18, United States Code, Section
10 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

11 **ORDER**

12 IT IS THEREFORE ORDERED that the parties shall have to and including
13 November 18, 2011 to file any and all pretrial motions and notices of defense.

14 IT IS FURTHER ORDERED that the parties shall have to and including December
15 1, 2011 to file any and all responses to such motions.

16 IT IS FURTHER ORDERED that the parties shall have to and including December
17 8, 2011 to file any and all reply briefs.

18 IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed
19 jury instructions, and a list of the Government's prospective witnesses must be electronically
20 submitted to the Court by the ^{22nd} day of February, 2012, by the hour of 4:00 p.m.

21 IT IS FURTHER ORDERED that the calendar call currently scheduled for November
22 8, 2011 at 9:00 a.m., be vacated and continued to February 21, 2012 at 9 a. m. and the
23 trial currently scheduled for November 14, 2011 at 9:00 a.m., be vacated and continued to
24 February 27, 2012 at 9 a. m.

25
26 DATED this 25th day of Oct., 2011.

27
28 
UNITED STATES DISTRICT JUDGE